

Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. CR13-0050RSL

Plaintiff

FINAL ORDER OF FORFEITURE

V.

YOBANI MEDINA-PEREZ,
aka, Jesus Jovany Rojas-Corrales,

Defendants.

and

WENDY B. FERNANDEZ-JIMENEZ,
Third Party Petition

THIS MATTER comes before the Court following the May 15, 2014 ancillary

21 hearing in the above-captioned case between Plaintiff United States of America ("United

22 States") via the undersigned counsel of record and Third-Party Petitioner Wendy B.

23 Fernandez-Jimenez (“Claimant”) to settle their respective interests in the following

24 property (hereinafter collectively referred to as the "Subject Properties"):

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26 | //

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28 //

1 1. \$11,533.00 in United States currency; and
 2 2. One (1) 2007 Dodge Charger bearing VIN #2B3KA43R37H821401 and
 3 Washington License No. AGC9003; and
 4 3. One (1) 2002 GMC Yukon bearing VIN #1GKEK13Z82J141030 and
 5 Washington License No. B89075H.

6 Having considered the testimony, exhibits, and arguments of the parties regarding
 7 the Subject Properties, and based upon the Court's review of the Court file, including the
 8 Preliminary Order of Forfeiture, the Court finds as follows:

9 On October 25, 2013, this Court entered a Preliminary Order of Forfeiture herein
 10 (see Docket No. 313), ordering the preliminary forfeiture of the Subject Properties to the
 11 United States pursuant to the Plea Agreement and guilty plea of Defendant YOBANI
 12 MEDINA-PEREZ (a.k.a., "Jesus Jovany Rojas-Corrales") (hereinafter, "Defendant") to
 13 *Conspiracy to Distribute Cocaine*, as charged in Count 1 of the Indictment, in violation
 14 of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A) and 846.

15 On December 23, 2013, the United States provided notice via certified mail to any
 16 known interested parties.

17 On December 30, 2013, Claimant filed the *Petition of Wendy B. Fernandez-*
 18 *Jimenez to Adjudicate Interest in Property Pursuant to 21 U.S.C. § 853*. (See Docket No.
 19 331.) No other petitioners or claimants have come forth to assert an interest in the
 20 forfeited property.

21 Pursuant to 21 U.S.C. § 853(n), the United States published notice of the Subject
 22 Properties on www.forfeiture.gov, for at least thirty (30) consecutive days, beginning on
 23 October 30, 2013 and ending on November 28, 2013. In the publication, the United
 24 States published notice of the Preliminary Order of Forfeiture and the intent of the United
 25 States to dispose of the Subject Properties in accordance with the law. This notice further
 26 stated that any person, other than the Defendant, having or claiming a legal interest in the
 27 Subject Properties was required to file a petition with the Court within sixty (60) days of
 28

1 the first date of publication of notice, setting forth the nature of the petitioner's right, title,
2 and interest in the Subject Properties.

3 All persons and entities believed to have an interest in the above-listed Subject
4 Properties that are subject to forfeiture were given proper notice of the intended
5 forfeiture. No further petitioners or claimants have come forth to assert an interest in the
6 Subject Properties and the time for doing so has expired, it is NOW THEREFORE,

7 ORDERED, ADJUDGED, and DECREED that the following property shall be
8 returned to the Claimant because she has established by a preponderance of the evidence
9 that Claimant's interest in the property was valid and superior to that of Defendant
10 pursuant to 21 U.S.C. § 853(n)(6):

11 • One (1) 2002 GMC Yukon bearing VIN #1GKEK13Z82J141030 and
12 Washington License No. B89075H.

13 IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the following
14 property is fully and finally condemned and forfeited to the United States in their entirety
15 because they constitute property that the Government alleged in its Indictment was
16 subject to forfeiture pursuant to 21 U.S.C. § 853 for violations of 21 U.S.C. §§ 841(a)(1),
17 841(b)(1)(A) and 846:

18 1. \$11,533.00 in United States currency; and
19 2. One (1) 2007 Dodge Charger bearing VIN #2B3KA43R37H821401 and
20 Washington License No. AGC9003.

21 (hereinafter, collectively, the "Forfeited Properties").

22 IT IS FURTHER ORDERED, ADJUDGED and DECREED no right, title, or
23 interest in the Forfeited Properties shall exist in any other party.

24 The United States Marshals Service is authorized to dispose of the Forfeited
25 Properties in accordance with the law.

1 The Clerk of the Court is hereby directed to send a copy of this Final Order of
2 Forfeiture to all counsel of record, and to the *pro se* Claimant at the address listed below,
3 and to send three (3) "raised seal" certified copies to the United States Attorney's Office
4 in Seattle, Washington.

5 DATED this 15th day of May, 2014.

6
7 RS Lasnik
8 ROBERT S. LASNIK
9 UNITED STATES DISTRICT JUDGE

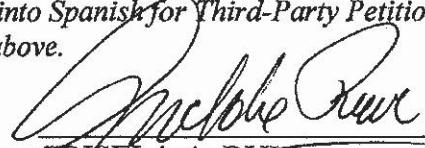
10 Presented by:

11 
5-15-14
12 MATTHEW H. THOMAS
13 Assistant United States Attorney
14 United States Attorney's Office
15 1201 Pacific Avenue, Suite 700
16 Tacoma, Washington 98402-4383
17 Telephone: (253) 428-3800

18 
WENDY B. FERNANDEZ-JIMENEZ
19 Third-Party Petitioner/Claimant
20 500 Monroe Avenue NE
Apt. FI-3
21 Renton, Washington 98056

22 I hereby certify that I am a federally and state certified translator and on this 15 day of May,
2014, I translated this Final Order of Forfeiture into Spanish for Third-Party Petition/Claimant
23 Wendy B. Fernandez-Jimenez before the signed above.

24 DATED: 5-15-14

25 
GRISELA A. RUIZ
26 Translator (Spanish <-> English)
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27 206-399-9283 (cell)
28 206-547-2558 (office)